

COURT-1

IN THE APPELLATE TRIBUNAL FOR ELECTRICITY
(Appellate Jurisdiction)

DFR No : 172 of 2025 & IA No. 1133 OF 2025 & IA No. 813 OF 2025

Dated: 22nd July, 2025

Present: Hon`ble Mr. Justice Ramesh Ranganathan, Chairperson
Hon`ble Ms. Seema Gupta, Technical Member (Electricity)

In the matter of:

Damodar Valley Corporation Appellant(s)

Versus

West Bengal Electricity Regulatory Commission Respondent(s)

Counsel on record for the Appellant(s) : Shri Venkatesh
Shryeshth Ramesh Sharma
Ashutosh Kumar Srivastava
Suhael Buttan
Kanika Chugh
Akash Lamba
Nihal Bhardwaj
Priya Dhankar
Siddharth Nigotia
Abhishek Nangia
Mohit Mansharamani
Vineet Kumar
Kartikay Trivedi
Mohit Gupta
Manu Tiwari
Surbhi Kapoor
Indu Uttara
Kunal Veer Chopra
Shivam Kumar
Harsh Vardhan
Aashwyn Singh
Nikunj Bhatnagar
Vedant Choudhary
Aniket Kanhaui
Tarang Saraogi
Adarsh Singh
Manav Bhatia
Ananya Dutta
Drishti Rathi
for App. 1

Counsel on record for the Respondent(s) : C.K. Rai

Anuradha Roy
Vinay Kumar Gupta
for Res. 1

ORDER

IA NO. 813 OF 2025

(For condonation of delay of 470 days in filing the appeal)

While the delay in filing this appeal, as computed by the Registry, is of 470 days, Mr. Shri Venkatesh, Learned Counsel for the Appellant, would submit, rightly so, that, if the period spent by the Appellant in prosecuting the review petition is excluded, then, the delay is of around 12 days.

The order, impugned in this appeal, was passed on 11.12.2023, aggrieved by which the Appellant herein filed a review petition before the WBERC on 08.02.2024, well within the 60 days period of limitation stipulated in the Regulation for the review petition to be filed. The said review petition was eventually dismissed on 24.03.2025; and the present appeal was filed 57 days thereafter on 20.05.2025.

Ordinarily the period spent by the Appellant, in prosecuting the review petition is required to be excluded in computing the delay in filing the appeal. If so excluded, the delay must be computed only from 24.03.2025 i.e. the date on which the review petition was dismissed. If so computed, and after exclusion of the 45 days' period stipulated for filing an appeal, the delay is of around 12 days. This delay is not so significant as to non-suit the Appellant on the ground of delay. The delay is condoned and the application is disposed of.

IA NO. 1133 OF 2025

(For modification of order)

By our order dated 07.07.2025, we had directed the Appellant to implead those who had submitted their objections pursuant to objections

being called for in response to the tariff petition filed by the Appellant. Mr. Shri Venkatesh, Learned Counsel for the Appellant, would point out that, in similar circumstances, this Tribunal had, in its order in DFR No. 193 of 2025 and I.A No. 860 of 2025 dated 11.07.2025, only required the Appellant to take out a public notice making the general public aware that an appeal had been preferred against the impugned order, and for proof of publication to be filed.

Following the said order, and in terms thereof, the earlier order is modified and the Appellant is hereby directed to take out a public notice, publishing it in two newspapers, one in English and the other in Bengali, which have wide circulation in the area of supply of the Appellant, and which falls within the jurisdiction of the WBERC. They shall file proof of publication in the Registry thereafter. The entire exercise culminating in proof of publication, shall be completed within six weeks from today. The application is disposed of.

DFR NO. 172 OF 2025

Reply shall be filed by the Respondents within six weeks and rejoinder, if any, shall be filed within four weeks' thereafter. After pleadings are complete, and after verification by the Registry, let this Appeal be included in the '**List of Finals**', to be taken up from there for hearing, in its turn.

Seema Gupta
Technical Member (Electricity)

Justice Ramesh Ranganathan
Chairperson

tpd/sk